

REMARKS

Claims 10-19 are all the claims pending in the application.

Claims 10 and 11 have been amended to recite that the calcium is natural calcium, as supported , for example, on page 11, lines 7-9. Claims 10 and 11 have also been amended to recite that the fat amount is 0-0.3 wt. % and that the amount of emulsifying agent is 0-0.02 wt.%, as supported, for example in Example 1.

Support for new claims 14 and 15 is found, for example, at page 11, lines 7-9 and in Example 1.

Support for new claims 16 and 18 is found, for example, at page 7, lines 16-19 and in Example 1.

Support for new claims 17 and 19 is found, for example, at page 9, lines 13-16 and in Example 1.

A. Rejection under 35 U.S.C. § 102(b)

On page 4 of the Office Action, the Examiner rejects Claims 10-13 under 35 U.S.C. § 102(b) as being anticipated by Emoto.

For the following reasons, the rejection is traversed and/or overcome.

Emoto discloses an organic calcium salt in a composition. However, Emoto does not disclose calcium in the form of a natural calcium material, as now recited in claims 10 and 11. Furthermore, new claims 14 and 15 recite that the natural calcium material is milk calcium. In addition, Emoto discloses a fat content of 5-40 wt.% and an emulsifying agent content of 0.1-10

wt.%, whereas claims 10 and 11 now recite a fat content of 0-0.3 wt.% and an emulsifying agent content of 0-0.02 wt.%.

Therefore, Emoto does not teach each and every element of the claims, and the rejection should be removed.

B. Rejection under 35 U.S.C. § 103(a)

On page 9 of the Office Action, the Examiner rejects Claims 10-13 under 35 U.S.C. § 103 as being unpatentable over Emoto.

For the following reasons, the rejection is traversed and/or overcome.

As noted above, Emoto does not disclose calcium in a natural calcium material. In addition, Emoto teaches a fat content less than 5%, which is not favorable for a nutritionally balanced food. Therefore, the composition defined in the claims of this application is not easily achieved by the disclosure of Emoto.

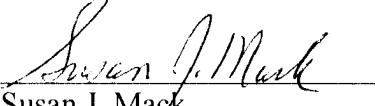
Further, Emoto does not teach or suggest an increase of plasma volume. Thus, there is no teaching or suggestion of the presently claimed method.

In view of the above, the Examiner is requested, respectfully, to reconsider and remove this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Susan J. Mack
Registration No. 30,951

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 13, 2008